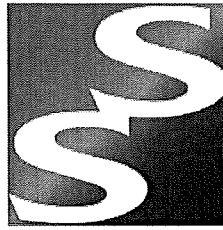


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November 20, 2019

Via ECF

Hon. Andrew L. Carter
United States District Court Judge
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, N.Y. 10007

MEMO ENDORSED

Re: *Marco Berrocal dba Bourne Co. v. Sheet Music Now, Inc.*
19-cv-5123 (ALC)

Dear Judge Carter:

This firm represents the Defendant Sheet Music Now, Inc. ("Defendant") in the above referenced case. We write pursuant to Your Honor's Individual Rules to request an adjournment of the upcoming conference scheduled for December 5, 2019, and to propose a briefing schedule for the recently filed motion to set aside the Default Judgment. **Plaintiff consents to this request.**

By Order dated November 4, 2019 (Dkt. No. 23) the Court granted Defendant's prior request for an adjournment of the Order to Show Cause hearing. The adjournment was granted until December 5, 2019, and by subsequent Order, the parties were required to submit a status report by November 20, 2019.

As indicated in the status report submitted on this date, Defendant has filed a motion to set aside the Clerk's Default (Dkt No. 26) and the parties continue to discuss settlement. In the pending set-aside motion, Defendant also requests that if the motion is denied, that it be afforded the opportunity to respond to the Order to Show Cause. Accordingly, if the motion is denied and this conference is still necessary, as stated in Defendant's motion, Defendant's request an opportunity to brief its opposition to the motion prior to any hearing. Plaintiff intends to address this issue in its opposition papers. Indeed, Plaintiff intends to oppose Defendant's motion to set aside the clerk's default judgment in all respects.

Given the above, counsel for the parties have discussed this matter and jointly propose the following to the Court on consent.

First, in the interests of efficiency, the parties request that the Court adjourn the upcoming Order to Show Cause conference until a date after the motion is decided, if still

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necessary.

Second, the parties propose the following briefing schedule on Defendant's motion to set aside the Clerk's default:

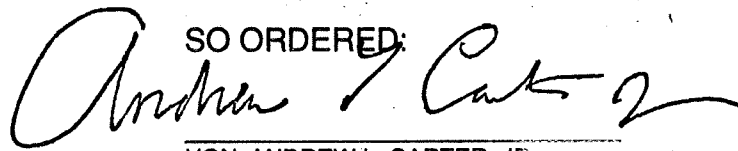
Plaintiff's opposition shall be due December 23, 2019; and
Defendant's reply shall be due January 10, 2020.

Respectfully submitted,
STERN & SCHURIN LLP

Richard S. Schurin

Richard S. Schurin

cc: All counsel of record via ECF

SO ORDERED:


HON. ANDREW L. CARTER, JR.
UNITED STATES DISTRICT JUDGE
November 21, 2019